



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

September 12, 2023

Via ECF

The Honorable Katharine H. Parker  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *United States of America v. Anthem, Inc.*, No. 20 Civ. 2593 (ALC) (KHP)

Dear Judge Parker:

This Office represents the United States of America in the above-referenced case. We write jointly with Defendant Anthem, Inc., pursuant to the Court's April 11, 2023 Scheduling Order (ECF No. 86), to suggest an agenda for the September 19, 2023 conference.

**Agenda for September 19 Conference**

I. Discovery Disputes

- a. The parties' dispute regarding Anthem's first set of RFPs served on March 17, 2023, *see* ECF Nos. 121 (Anthem's position on the parties' discovery dispute); 120 (the Government's position on the parties' discovery dispute).
  - i. Pursuant to the Court's Order (ECF No. 122), the parties intend to meet and confer on September 13 regarding this dispute, and will submit letters to the Court regarding the status of these discussions by September 14, 2023.
- b. The parties' dispute regarding Anthem's proposed interrogatories.
  - i. Anthem has sought leave to serve interrogatories pursuant to Local Rule 33.3(b). *See* ECF No. 123. Pursuant to the Court's Order (ECF No. 124), Anthem filed its proposed interrogatories on September 8, 2023 (ECF No. 125), and the Government responded stating its position objecting to the proposed interrogatories on September 12, 2023 (ECF No. 126).

II. Additional Discovery Updates

- a. The Government's first set of RFPs served on April 20, 2023.
  - i. Anthem's Objections and Responses served on May 22, 2023.
  - ii. The parties are continuing to meet and confer regarding the Government's first set of RFPs, which involve data-related requests.

- iii. Anthem has made two initial productions in response to the Government's first set of RFPs and is collecting and reviewing data in anticipation of additional productions.
- b. The Government's second set of RFPs served on May 16, 2023.
  - i. Anthem's Objections and Responses served on June 15, 2023.
  - ii. The parties have been meeting and conferring regarding the Government's second set of RFPs.
  - iii. Anthem has made an initial production in response to the Government's second set of RFPs and anticipates making another production this month.
- c. Anthem's first set of RFPs served on March 17, 2023.
  - i. The Government has produced over 700,000 pages of documents over five productions in response to Anthem's first set of RFPs and in connection with the Government's Rule 26 disclosures. The Government is continuing to collect and review documents in anticipation of additional productions.
  - ii. The parties are continuing to meet and confer regarding other RFPs served by Anthem, which are in addition to its requests for the documents produced in *Poehling*.

### III. Data Breach Update

- a. The parties are continuing to discuss the scope of the ransomware attack impacting the Government's prior third-party vendor. The Government has referred Anthem to the law enforcement officials responsible for the criminal investigation into the ransomware attack and shared information regarding the security protocols of its new vendor. Anthem has sent the Government questions regarding the new vendor's security protocols and the parties are continuing to meet and confer.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

By: /s/ Dana Walsh Kumar  
PETER ARONOFF  
ZACHARY BANNON  
ADAM GITLIN  
CHARLES JACOB  
DANA WALSH KUMAR  
JEANNETTE VARGAS  
REBECCA TINIO  
Assistant United States Attorneys  
86 Chambers Street, 3rd Floor  
New York, New York 10007

cc: Anthem's Counsel (Via ECF)